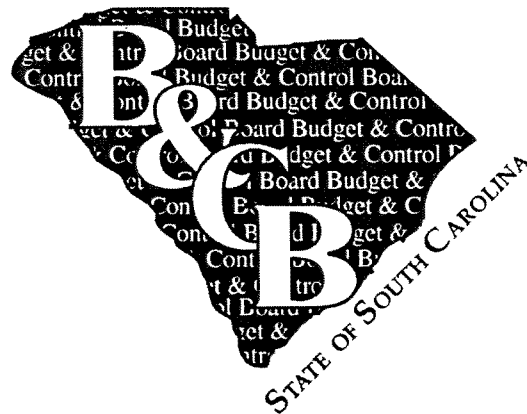


May 24, 2004

State Government News Summary



**Prepared by the Budget and Control Board
Office of the Executive Director**



Posted on Mon, May. 24, 2004

Nomination process thwarts black judicial candidates

An analysis finds two-thirds of black candidates in contested races are not nominated by South Carolina's

Judicial Merit Selection Commission.

By RICK BRUNDRETT
Staff Writer

Two-thirds of black candidates in contested judicial races are rejected by the state's screening commission — a rate nearly 20 percentage points higher than that of white candidates, according to an analysis of judicial elections since 1998.

About four-fifths of black candidates are involved in contested races that require the Judicial Merit Selection Commission to narrow the field, the study by The State newspaper found.

In contrast, unopposed white candidates have filled most of the 184 open Supreme Court, Court of Appeals, administrative law, circuit and family court seats since 1998.

Those circumstances combine for this result: The cap that limits how many judicial candidates are considered by the Legislature has led to the rejection of just more than half of the black candidates who have sought judgeships.

"It's a system that does not respect diversity or fairness," said state Rep. Leon Howard, D-Richland, who is sponsoring the bill to eliminate the cap.

The commission's chairman disagrees, saying the group makes its choices on merit.

"I don't care whether they are man or woman, black or white," said Rep. Greg Delleney, R-Chester, a white lawyer who chairs the commission. "We evaluate the candidates on the nine evaluative criteria and try to come up with the best candidates."

By law, the commission can forward only three names to the Legislature.

That limit, many argue, has discouraged black candidates from applying. Others, though, say factors besides the cap keep blacks off the bench, and its elimination wouldn't mean much.

Contested elections, which seldom involve incumbents, often bring new faces to the judiciary. Yet South Carolina's top courts are among the least diverse in the nation when compared with its overall black state population, The State found in an earlier study.

Since the current system of electing judges was implemented about seven years ago, only 12 open seats have been filled by blacks.

South Carolina is one of two states whose legislature elects most top judges. **MERIT AND RACE**

The current system, including the cap, has been fully in place since the 1998 judicial elections. Voters in November 1996 changed the state's constitution following public outcry after lawmakers elected two unqualified candidates to the bench. The new law took effect on July 1, 1997.

All 25 black candidates and virtually all 209 white candidates who have sought seats since then were deemed qualified by the screening commission, currently made up of eight white and two black members. But not all of them were nominated.

Commission members interviewed by The State say nominations are based solely on nine factors as required by law,

including ability, experience and character.

Although race is not among the nine criteria, state law recommends it be considered. The same is true of gender, national origin and other demographic factors.

Howard's bill to eliminate the cap has passed the House; a Senate version under consideration would raise the cap to six candidates, according to Howard, who is black.

But raising or eliminating the cap might not improve diversity, some say, since most candidates of any race drop out of elections if they believe they don't have support among the 170 lawmakers.

In only nine elections since 1998 have lawmakers decided between two or more nominees. Black candidates ran in five of those elections, losing four.

"I don't think I would ever go through that again," said Thomas Sims, a black Orangeburg lawyer who was nominated for a family court seat in 2001 but dropped out before the vote. "You have to be of the right political party to have any chance."

REJECTED OFTEN

Richland County Master-In-Equity Joseph Strickland, the state's only black master-in-equity, is still waiting for his chance at a circuit court seat.

Masters-in-equity have the authority of circuit court judges, but hear only nonjury civil cases, such as foreclosures.

The screening commission has failed to nominate Strickland four times since 1998, though it has deemed his qualifications satisfactory.

Seven black candidates who have run more than once, including Strickland, have been rejected by the screening commission in at least one of their attempts to win a seat on the bench.

Strickland said he doesn't think race has been a factor in his unsuccessful bids.

"It's more of a local, political-type of thing than race in my particular case," he said. "You have to have credentials, and you have to have the contacts."

Strickland, a graduate of Princeton University and Vanderbilt University School of Law, has been a master-in-equity judge for 15 years.

State Rep. Doug Smith, R-Spartanburg, a screening commission member, points out that some black candidates who were not nominated in one race have been nominated in others after re-applying. That happened to five of the 25 black candidates, the newspaper's study found.

And in seven races involving two or more black candidates, the commission nominated at least one of them, the analysis found. Strickland was involved in two of these races.

Smith, a white lawyer, said he has "tried my darnedest to convince certain groups or members of the committee that we need to be more cognizant of electing more minorities to the bench."

Smith said the current selection system is the "best system in the country," emphasizing that before reforms were enacted the Legislature could elect candidates found unqualified by the commission.

THE CAP

A story published in March by The State found that, of the 19 states with the largest percentage black populations in 2000, South Carolina had the sixth-widest gap between its black population and the percentage of black appellate and circuit court judges.

Of the 60 appellate and circuit court judges, 10 percent are black. When master-in-equity, family and administrative law judges are considered, that percentage drops to less than 7 percent.

The state's black population —about 30 percent — was the third-highest percentage in the nation in 2000.

Many black legislators say the cap on judicial candidates has kept blacks off the bench. They believe that any candidate qualified by the screening commission should have the opportunity to be considered by the General Assembly.

John Crangle, head of the government watchdog group Common Cause of South Carolina, said the cap should be removed.

"We want to get rid of this perception that there is any discrimination (by the screening committee) and shift the debate to the General Assembly," he said. "Once the cap is removed, we'll find out whether the General Assembly is discriminating."

Removal of the cap would not change the criteria judges must meet to be eligible for the bench.

Of the 170 lawmakers, 32 are black. Judicial elections are conducted in joint assemblies of the Legislature; the candidate who receives the majority of votes wins.

South Carolina and Virginia are the only states that use their state legislatures to elect trial and appellate judges.

NO CONTEST

The State's analysis found that since 1998, 175 of the 184 open seats were filled by unopposed candidates. All but 11 of those 175 seats were filled by whites.

Of the 209 white candidates who ran since 1998, about half were incumbents.

"There is a huge bias in favor of incumbent judges who are doing a satisfactory job, and I can understand that," said Crangle, of Common Cause.

He said candidates who challenge incumbents have "about a zero chance" of winning.

There have been only nine contested judicial elections in the Legislature since 1998, five of which involved black candidates.

Four of the five black candidates lost their races, including Jasper Cureton of Richland County, a longtime Court of Appeals judge who faced two white candidates in 2000 for a Supreme Court seat. Costa Pleicones, a white circuit court judge from Columbia, won the seat.

The five-member Supreme Court has been without a black member since the 2000 retirement of Ernest Finney Jr., the state's first black chief justice and first black on the court since Reconstruction.

A black candidate has beaten a white candidate only one time since 1998 in a contested election in the Legislature. That happened last year when Donald Beatty of Spartanburg, a black circuit court judge, defeated Bruce Williams, a white family court judge from Columbia, for a state Court of Appeals seat.

Alison Renee Lee of Columbia, who became the first black woman on the circuit court bench with her 1999 election, has tried and failed three times since to get nominated for a Court of Appeals seat, including this year.

Lee, who joined the bench in 1994 as an administrative law judge, was among seven candidates this year for one of two appeals court seats.

She and three white candidates were not nominated. But another black circuit judge, Casey Manning of Columbia, was among the three nominees. That seat and another one on the appellate court will be decided Tuesday by the Legislature.

Lee wonders why the screening commission doesn't explain in writing why it nominates certain candidates over others.

"If I decide to run the next time, how do I know what qualifications they are looking for?" she said. "Is it based on the candidate, or is it based on politics?"

Delleney, the screening commission chairman, said the commission doesn't give reasons in its report for not nominating

a candidate because it is "not about embarrassing" the candidate.

TIME FOR CHANGE?

In the long run, Delleney said, the number of black judges will increase only when the pool of black lawyers in the state grows. About 7 percent of the state's lawyers are black, the fourth-highest rate in the nation.

In 2000, 455 black lawyers lived in South Carolina, according to the U.S. Census.

Sims, the black Orangeburg lawyer who unsuccessfully tried for a family court seat in 2001, doesn't favor the present selection system, preferring popular elections instead. He sees little point in eliminating the cap on nominated candidates, describing the legislation as "window dressing."

"If you don't have people on the floor (of the General Assembly) to support you, you don't have a chance," said Sims, a former deputy and acting solicitor who has practiced law since 1978.

Some black legislators, including state Sen. Robert Ford, D-Charleston, have called for popular elections of judges. The Rev. Jesse Jackson, a Greenville native and national civil rights leader, has threatened to sue the state to force direct elections.

An earlier analysis by The State found direct elections enhanced diversity in some states, but not all.

Sims declined to say whether he believes race was a factor in his family court bid, where the other two nominated candidates were white.

Howard said that in the end, no law will guarantee diversity in the state's courts.

"What you can't perfect is for people to change their hearts and be more fair," he said.

Reach Brundrett at (803) 771-8484 or rbrundrett@thestate.com.



Posted on Mon, May. 24, 2004

Legislature running out of time on major tasks

Sanford's agenda endangered; many House bills still stuck in Senate

By VALERIE BAUERLEIN
Staff Writer

With two weeks left in the legislative session, time is short, the to-do list is long, and fights are brewing that could lead to the General Assembly's passing almost no major laws this year.

Gov. Mark Sanford's plan to cut income taxes tops the to-do list — a source of frustration for the Republican governor and some Republican lawmakers who have not been able to force the plan through the Republican-controlled Legislature.

Tort reform also is high on the list, the top priority of business leaders and the influential S.C. Chamber of Commerce. Many legislators also want a ban on same-sex marriages; conduct grades for students; and more flexibility for charter schools.

Republican legislators will need to be willing to work long nights and in lock-step to pass any of these measures, said Glenn McConnell, president pro tem of the Senate.

"I hope the Senate has the stomach for this," he said. "Otherwise, some of these bills will die."

So far, the five-month legislative session has been hijacked by two behemoths:

- The writing and rewriting of the \$5.5 billion state budget for 2004-05
- The failed effort to require primary enforcement of the seat-belt law.

"It was the first matter in the box on the day we got here, after the prayer," Sen. John Land, D-Clarendon, said of the seat belt fight. "We dealt with it every day."

This has left a backlog of big bills getting squeezed into the last two weeks, including most of Sanford's legislative priority list.

'PENDING IN THE SENATE'

The House is frustrated, with Speaker David Wilkins having taken the floor Wednesday to deride the Senate for sitting on House proposals.

Wilkins, R-Greenville, ticked off a list of them: fiscal discipline, property tax reassessment, judicial nominations.

After each, House members called back the status: "pending in the Senate."

Now, fights are brewing that could block any of them from passing — a good or bad thing, depending on whom you ask.

Senators are set to take up the billion-dollar tax cut Tuesday morning.

Democrats say the plan takes too much money out of an already depleted budget — money that should pay for services. They say they will block Sanford's income-tax plan by talking it to death.

"We have short-changed, underfunded our government for the last four years," said Land, the Senate Democratic leader. "To be talking about limiting ourselves in growth in favor of an income tax cut is just ruthless."

McConnell, a key Sanford ally on income tax, said he will work through the weekend to convince Republicans to outwit and outlast the Democrats, even if it takes talking until sunup.

"A lot of the senators are ready to stay in here some mighty long hours to move some bills," McConnell said. "If somebody says they're going to get up and talk, we got to call their hands."

NAGGING BOBTAILS

The income-tax fight within the Senate is just one of the dynamics at play.

Another is warfare between the House and Senate.

The weapon: the bobtail, an arcane but strategic way to send bills back and forth, with legislation of varying degrees of relevance tacked on. The technique can force the other body to take up legislation it might not otherwise.

The House sent over same-sex marriage, probate judge eligibility and revision of lobbying laws on a bill raising penalties for attacking teachers. House leaders forced the Senate to deal with the income-tax cut Tuesday by tacking it on to legislation that took priority in the Senate calendar.

"It's like a rocket attack right now," McConnell said. "There's so much coming in."

Senators are tempted to do the same, he added, but they realize this type of war could end in mutually assured destruction.

TO DO, OR NOT TO DO

A third force at work is Sanford, who is trying to get his agenda through the morass.

At the same time, he has until Tuesday to decide how much of the General Assembly's budget to veto, knowing the more he vetoes, the more precious legislative time the House and Senate will spend trying to override his decisions. This would leave less time for the income tax cut and his other priorities.

Sanford could veto little and declare victory; the General Assembly paid back a 2-year-old deficit as he urged and plans to sell surplus land and cars, as he wanted.

But he still sees plenty he does not like in the budget, such as reliance on \$90 million in hoped-for new tax collections and not repaying trust and reserve funds.

The bottom line?

The to-do list may look different at the end of this week, and still more different at sessions' end, June 3.

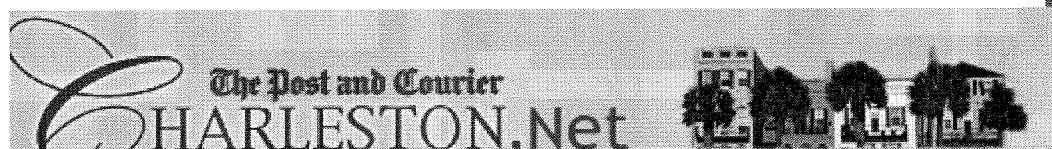
"My priority list starts narrowing, depending on how the cards are dealt," McConnell said.

Or, it all could be left undone.

"As far as the rest of the session," Land said, "I don't see anything but biding time."

Reach Bauerlein at (803) 771-8485 or vbauerlein@thestate.com

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Story last updated at 8:00 a.m. Monday, May 24, 2004

Bill a beacon of hope for lighthouse rescue

Transferring ownership to clear way for shoring up Morris Island structure

BY ROBERT BEHRE
Of The Post and Courier Staff

The bureaucratic fog enveloping the Morris Island Lighthouse is starting to lift.

The nonprofit group Save the Light Inc. has been raising money and working with the state and federal governments to fortify the foundation of the 158-foot-tall brick lighthouse before it topples into the Atlantic Ocean.

Backers wanted work to begin this spring, but their hopes faded when the state agency that owns the lighthouse couldn't agree on liability issues with the U.S. Army Corps of Engineers, which is contributing about \$1.7 million toward the planned \$2.6 million project.

To break the impasse, state lawmakers are expected to pass a bill transferring ownership from the state Department of Natural Resources to the state Budget and Control Board, which has more flexibility to resolve the remaining sticking points, said Sen. Glenn McConnell, R-Charleston.

"All the parties have essentially checked off on it," McConnell said. "This to me is a significant step forward. We have spent months trying to unjam this thing. Now we can see light at the end of the tunnel."

Ernie Passailaigue, chairman of Save the Light, said last week that he is cautiously optimistic.

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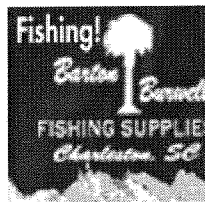
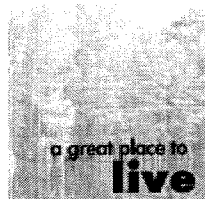
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"We still have several major issues to overcome: the hold-harmless provision and the cost-containment issue. Both deal with the Corps of Engineers. Both of these are solvable," Passailaigue said.

Passailaigue noted that the Budget and Control Board is made up of five people who meet year-round. The DNR had to clear major changes with 170 lawmakers who meet only from January to June.

The Corps of Engineers' \$1.68 million grant is set to expire this summer, but Save the Light is working with the state's congressional delegation to renew that money. The DNR has \$490,948 for the project, and that sum will be transferred to the Budget and Control Board. Supporters have received a \$99,000 Save America's Treasures grant and raised another \$328,103 in pledges from private businesses and foundations.

The first phase of the repair would cost about \$2.6 million and involve installing a new coffer dam around the foundation. The lighthouse then would be surrounded by an island about 200 feet wide and made of large stones, comparable to the ones used for the jetties at the Charleston Harbor entrance.

The second phase, expected to cost about \$550,000, would involve pouring concrete inside the new coffer dam and injecting grout to fill any voids under the lighthouse, reconnecting its base with its pilings.

Richard Beck, vice chairman of Save the Light, said cost overruns are possible.

"It is the first time someone has ever done this, and yes, there are questions about it. But the people we have talked about in the marine contracting industry feel pretty confident about it," he said.

Save the Light's fund-raising efforts started strong but have remained in a kind of limbo in recent months because of the uncertainty over when, or if, repair work would start. Both Beck and Passailaigue said fund-raising will resume soon.

Previous studies have shown that worms are eating into the wooden pilings that make up the lighthouse's foundation, although the structure itself has not begun to lean.

Finished in 1876, the light still needs a bit of luck to survive until repairs can begin: Hurricane season runs from June 1 to Nov. 30.

"To me, time is of the essence now, and we need to move as fast as we can to get all the contracts in place, the easements in place and make all the lawyers happy, so we can get around to the real work, which is to repair the foundation," McConnell said.

"We could have a storm come along this year," Passailaigue said, "and that thing could be sitting in the ocean."

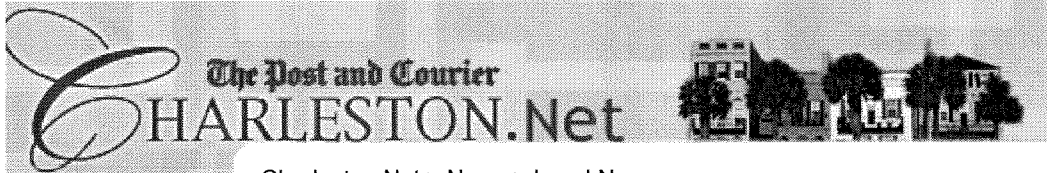
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Story last updated at 7:00 a.m. Monday, May 24, 2004

Vehicle video sales raise X-rated odds

Some states back ban on motorists' playing of porn

BY JESSICA VANEGEREN
Of The Post and Courier Staff

You're waiting at a stoplight, and your 5-year-old glances up at the DVD playing on the TV in the van ahead of you. Out pops the question some parents dread: "Mommy, what are the man and lady doing?"

As vehicle video system sales continue to climb, so do the odds that fellow motorists will catch a glimpse of something a bit more naughty than the Disney version of "Lady and the Tramp."

Spurred by parental outrage, some states are preparing to make it illegal for people to watch pornography in their vehicles. While South Carolina lawmakers aren't considering any such legislation and have yet to hear an outpouring of eyewitness accounts from state residents, it is an issue that's likely to appear on their radar.

If and when that day arrives, the topic will raise a host of questions that other states now are considering, said Sen. Michael Fair, R-Greenville.

"What does our culture think is more important," Fair said, "the sexual freedom of adults or the safety of children? Hopefully, society's opinion would fall on the safety of children."

Last week, Tennessee lawmakers took a step toward making their state the first to ban the playing of porn videos in vehicles. The law is awaiting for the governor's approval. Violators would be fined \$50.

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"It is a sad commentary on where we've come as a society in 2004," said Tennessee state Sen. Mark Norris. "I never contemplated the day automobiles would become projection booths for R-rated movies."

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Louisiana and Oklahoma also are considering laws that would ban porn videos or restrict where the videos are played in vehicles.

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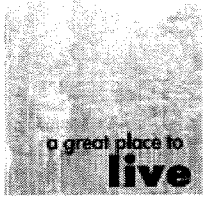
A law banning the movies is needed in Louisiana to project "family values, community values and common decency," said Louisiana state Rep. Mickey Guillory. "We need to regulate the content of these videos that are playing out in plain view," Guillory said. "It is embarrassing for you and your child if you have to explain to them what is being shown on a movie playing next to you at the Sonic drive-in."

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The issue of regulating what people watch is fraught with constitutional questions.

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"Porn is tricky stuff," said David Mann, a professor of political science at the College of Charleston. "Something might be OK when you're driving through Atlanta, but the same video may not be okay when you're driving through Goose Creek. What is considered obscene or pornographic by one person or community may not be considered obscene by another."



Personal preference presents another issue with enforcing the laws, Mann said. He said a police officer could pull over and ticket a driver watching a video the officer deems pornographic. A jury later could decide otherwise and rule the state law unconstitutional.



South Carolina highway troopers can fine drivers if the TV screen is visible to the driver. The same is true of 20 other states. Seventeen states require the installation of TV screens behind the driver's seat.

"I've never seen or heard of anything like that happening on our highways," Lance Cpl. Paul Brouthers of the S.C. Highway Patrol said of porn playing in vehicles. "But we're not out there to monitor what drivers are watching in their cars."

Some local parents say they would rather their child see sex than violence.

"The violence is a lot more difficult to explain," said Michelle Jones, a Hollywood resident and mother of three children. "If they see a movie with guns, guns and more guns, the images stick with them."

Carol Aust of Charleston said she's more concerned with her 2-year-old accidentally watching blood and gore.

The chances South Carolina drivers will see videos, good or bad, while driving likely will increase in upcoming months. The sales and the size of the TV screens are far from reaching their peaks, said Bill Hunt, sales and finance manager with Ravenel Ford.

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Viewing content also will skyrocket as automakers equip vehicles for satellite TV, he said.

He said a majority of vehicle video system buyers are parents with small children, not people intending to play racy videos. He groups drivers who play such videos in the same category as drivers who play loud, offensive music on their car stereos.

"If you have a young child in your car with you, you sure don't want them to hear some of the lyrics blasting from the car next to you," Hunt said. "But all you can do is wait for the light to change and move away."

Jessica Vanegeren covers traffic and transportation. Contact her at 937-5562.

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Posted on Mon, May. 24, 2004

GAMING

Catawbas continue push for bingo hall

Video gambling still controversial

By Heather Vogell
Knight Ridder

CHARLOTTE, N.C. - Four years after unplugging the last legal video poker machine, S.C. lawmakers are trying to decide whether to let high-stakes electronic gambling back into the state.

The Catawba Indian Nation says a 24-hour video bingo parlor near Santee would lure travelers off Interstate 95 to a county that badly needs the business.

"It's still bingo," says Catawba lawyer Jay Bender. But opponents call it something else: "They plan to put a casino down there," says State Sen. Wes Hayes, R-Rock Hill.

Where project supporters see profit and prosperity, opponents see crime and addiction. Where tribal leaders tout jobs, critics warn of poor South Carolinians squandering savings.

S.C. lawmakers are sorting through a tangle of claims as the York County tribe pushes them to pass a bill allowing the parlor before the legislature adjourns June 3.

For one, the bill's estimates for 1,100 new jobs includes workers at both the bingo hall and nearby tourist-oriented businesses, though a Congressional study has said casinos don't always create windfalls for local proprietors.

And, South Carolina wouldn't get a cut of the lucrative bingo proceeds, unlike other states with off-reservation gambling operations.

Proposed parlor

The Santee parlor would be the only place to play video bingo in the state.

It would replace the traditional bingo cards and callers with video screens and high-tech software.

Santee machines could be linked to others across the country, allowing for higher payouts. Players would sit at hundreds of machines 24 hours a day, seven days a week. Six games could be played in a minute.

The hall would be built in a struggling retail mall that could initially house 750 machines, but that number could grow to 1,200, Bender said.

The Catawbas chose Santee, an area between Columbia and Charleston that has wrestled with poverty for years, because it's near Interstates 95 and 26. Tens of thousands of cars pass by each day, and hotels there already target travelers making overnight stops between New York and Miami. Bingo supporters hope to cash in on that traffic.

"It's going to draw people from all over," said Robert Gips, a Portland, Maine, attorney representing the Catawbas.

Critics, which include the S.C. Baptist Convention, say video bingo is too much like video poker and both are nothing but slot machines in disguise.

Benefits for the state

The tribe wouldn't share any of its gaming proceeds with the state under the proposed bill, unlike at its traditional bingo hall in Rock Hill, where it pays the state 10 percent.

Other states pocket as much as 70 percent of gaming hall revenue. Illinois levies the highest tax - 70 percent -- on riverboat gambling proceeds in the top bracket; Nevada takes 6.75 percent of revenues, said gaming expert Bill Thompson, a professor at the University of Nevada at Las Vegas.

Thompson said South Carolina could tax the Santee parlor because it would be on state, not reservation, land. Most states charge less than 30 percent, he said.

A 750-machine hall could gross as much as \$50 million a year, just from gambling, he said.

Gips, who also helped lead the Mashantucket Pequot's successful fight to open Foxwoods Resort Casino in Connecticut, said neither the tribe nor state officials have mentioned taxing revenue.

Supporters say the state would take in about \$5 million in new revenue from other types of state and local taxes associated with the project, including income and property taxes.

Those who welcome the tribe to the Santee area cite the project's potential to bring paychecks to low-skilled workers who desperately need them.

"The No. 1 thing is jobs," said State Sen. Brad Hutto, D-Orangeburg, the county where Santee is located. In April, 9.2 percent of the county's work force was unemployed, a rate more than a third above the state average of 6.8.

Critics' worries

Central to critics' opposition to the Santee project is a belief that the bingo parlor will cause more people to develop gambling addictions.

"There were so many horror stories from the video poker days," said Will Folks, spokesman for Gov. Mark Sanford, who opposes the Catawbas' plan.

No study has determined whether bingo played on video monitors is more addictive than bingo played on cards, two researchers said. Rhode Island psychologist and gambling counselor Henry Lesieur said some research supports the idea that faster games get gamblers into trouble more quickly.

"If you increase the rate of play, you increase the addiction potential," he said.

One percent to 3 percent of the population is estimated to have a gambling problem, said Christine Reilly, executive director for Harvard Medical School's Institute for Research on Pathological Gambling and Related Disorders.

The tribe says it's not looking to open a full-scale casino with table games at the Santee site. Yet some officials worry video bingo would only be a first step.

The tribe ratcheted up pressure on S.C. lawmakers earlier this month by filing a federal lawsuit that seeks to force York County to allow video poker on Catawba land near Interstate 77 outside Rock Hill.

Catawba leaders say they will drop plans for the 1,000-machine video poker palace if they get Santee bingo, which is what they really want.

Bender said Catawba leaders are only looking for more money for health care, education and recreation. Neither he, nor they, are using the word "casino."



Posted on Mon, May. 24, 2004

Aiken voters uncertain

Community more concerned with Iraq, abuse trial than GOP's U.S. Senate primary

By LEE BANDY
Staff Writer

AIKEN — It might be only 16 days away, but voters in this rock-ribbed Republican community are showing little interest in the upcoming GOP primary for the U.S. Senate.

Instead, they are preoccupied with the war in Iraq.

They worry about fallout from the prisoner abuse controversy, the country's image abroad and the ability of the United States to gain the upper hand in what many fear will be a prolonged conflict.

Some, including 50-year-old hardware store owner Det Haislip, say they are too depressed to talk about politics or the primary.

They're not interested.

"President Bush has got to take control," Haislip said. "He has got to put the prisoner abuse behind him and move on. He can't let the media control the level of debate. If we retreat on the war, it won't matter who we send to Congress."

Six candidates are competing for the Republican nomination for the Senate seat held by Democrat Fritz Hollings, who is retiring after 38 years in Washington.

The candidates are: former Gov. David Beasley of Society Hill; U.S. Rep. Jim DeMint of Greenville; former state Attorney General Charlie Condon of Charleston; Charleston real estate developer Thomas Ravenel; Myrtle Beach Mayor Mark McBride; and Bluffton businesswoman Orly Benny Davis.

There is no clear favorite here, although DeMint seems to have a slight edge, based on interviews with two dozen voters. He organized Aiken early, party officials say.

Hard-core party activists say they have pretty much settled on a candidate — Beasley, DeMint or Ravenel. But rank-and-file Republicans still are wrestling with their choices.

Apathy abounds.

Attendance at candidate forums and political events has been disappointing. Only 80 showed up at a candidates' debate a few weeks ago. Aiken GOP chairman David Nix was expecting 200.

Voters say they are aware of the primary. It's just not a priority.

Listen to Tom Egan, a 54-year-old retired horse trainer from New York, who has lived here for 10 years: "I might vote, if something stirs my soul in the last week."

"The campaigns start so early now that nobody pays attention until it's time to vote," longtime Aiken resident Sylvia Brodie said.

Most say the contest has been a yawner.

"There has been no excitement," said Sandy Davis, who owns a gift shop and describes herself as "basically a Republican."

Davis said she might wait until November's general election to vote. Then, she might vote for Democrat Inez Tenenbaum. "We need more women in politics."

WARNING SIGNS FOR BUSH?

Aiken County has been voting Republican since the days of Dwight Eisenhower in the 1950s, and there is no sign that is about to change.

Bush remains strong, but some cracks are beginning to appear in that solid support. Much of it has to do with the war.

"I'd love seeing us phase out of Iraq, the sooner the better," said Bob Moody, a 66-year-old commercial real estate broker. "We're in a no-win situation over there. The best we can do is tie."

Frank Boatwright, a 71-year-old retired Air Force officer, said the war "is the biggest mistake Bush ever made."

Still, he will vote for Bush in November because he believes the alternative — presumptive Democratic nominee John Kerry — is worse.

Rising gasoline prices also have started to emerge as an issue. They rose to more than \$2 a gallon for the first time last week.

"It's all because of what's going on over there," 38-year-old medical company owner Michael Sheehan said, referring to the Middle East.

While other S.C. communities have been hard hit by layoffs and plant closings, Aiken has been a relative economic oasis.

Unemployment was 6 percent in April, closer to the national jobless rate of 5.6 percent than the S.C. average of 6.8 percent.

Main Street is alive and well, said Kraig Holdman, a 30-year-old men's store manager.

But he said he won't vote for Bush again. The president has not been a good steward of taxpayers' money, he said.

Holdman blames Bush for squandering the huge budget surplus he inherited from former President Clinton.

"Bill Clinton did a better job with the economy," he said. "It flourished under his leadership, and everyone benefited."

Under Bush, "The rich get richer and the poor get poorer, and that's what I'm tired of. ... The middle class gets hit the hardest."

Gaye Cain, a 44-year-old manager of an antique mall, said she will vote for Bush again without any qualms. "Nobody is perfect. Nobody makes all the right choices," she said.

"At least he's a moral president," chimed in Emily Voos, a 48-year-old co-worker, taking a dig at Clinton.

Reach Bandy at (803) 771-8648 or lbandy@thestate.com



Posted on Mon, May. 24, 2004

Public weighs in on wildlife concerns

State DNR seeks input on developing conservation plan

By JOEY HOLLEMAN
Staff Writer

The swamp rabbit, the bottlenose dolphin and the red-breasted nuthatch, along with nearly one-third of the state's vertebrate species, are in peril.

The S.C. Department of Natural Resources is putting together a Comprehensive Wildlife Conservation Plan to protect those creatures living on life's margin.

But rather than rely solely on its staff, the department wants residents who care deeply about wildlife to weigh in.

The third of a series of public meetings on the plan will be held from 6 to 9 p.m. Tuesday at the Airport Campus of Midlands Technical College. Participants will break into small groups to discuss specific concerns. Agency officials will weigh the input as they compile the plan for the U.S. Fish and Wildlife Service before a September 2005 federal deadline.

The idea is to take a census of what's going on now, what's causing problems and what steps need to be taken to ensure the health of our wildlife, said Anna Huckabee, who is coordinating the effort for the state agency.

All 50 states are compiling similar plans. For the first time, the federal agency plans to place those plans side by side and make sure they work together in what Huckabee calls "the mother of all plans." If it sounds like a bureaucratic exercise, it is. But it is an extremely important one.

"The goal of the program is to keep common species common," Huckabee said. "By identifying fish and wildlife that are at risk for future listing as threatened or endangered, the strategy becomes one of protection rather than a costly recovery effort."

Public meetings have been held in Florence and Charleston. Many of the participants expressed concerns about habitat loss, the need for cooperation between government agencies, and the need for public education on wildlife issues.

"We want everybody's voice to be heard," Huckabee said. "And I tell you what, we've heard good, bad and ugly."

Some discussions deal with individual species, but most participants realize the only way to save a threatened species is to protect its habitat. And that habitat invariably is home to other threatened species.

"It's the physical environment that sets the stage for protection," said Dan Tufford, a USC biology professor.

He hopes the plan will detail the importance of types of wetlands that have not been studied much. For instance, seepage wetlands near coastal rivers remained saturated even at the height of the recent drought. Locating and protecting those wetlands could ensure a haven for wetlands-dependent creatures.

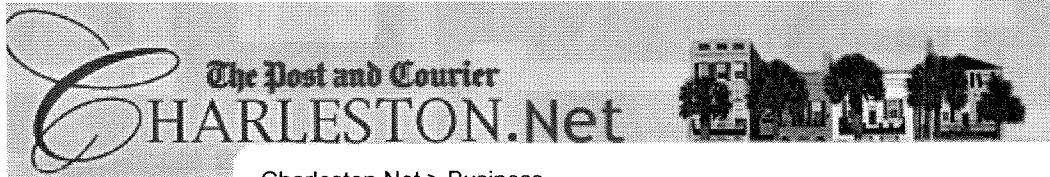
Dell Isham, state director of the Sierra Club, likes the idea of more comprehensive long-range planning. "We're destined for disappointment if we don't have a broader perspective," he said.

Isham would like to see an expansion of the new Conservation Land Bank, slated for its first infusion of \$10 million in the 2004-05 state budget. The land bank funds will be used to purchase ecologically sensitive land from willing sellers, to leverage federal grants for land purchase or to repay land owners for conservation easements.

Isham hopes the wildlife plan will address the need for a state-level clearinghouse for land-use planning.

Reach Holleman at (803) 771-8366 or jholleman@thestate.com.

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BUSINESS The Post and Courier



Story last updated at 9:14 a.m. Monday, May 24, 2004

Bill to promote film industry in S.C. undecided as Legislature faces wrap

Minibottle opponents dig in for battle as legislation heads to House for vote

TOURISM

BY KYLE STOCK
 Of The Post and Courier Staff

The Statehouse battles to do away with minibottles and boost incentives for the film industry are nearing their end.

Both fights are still undecided with just over a week left in the session.

Leaders of the film and hospitality industries are calling on their troops to dig in for a final charge.

The bill to kill the mandatory minibottle passed the Senate Feb. 25 and narrowly passed the House judiciary committee last Wednesday.

Now, it needs two-thirds from the floor, some ink from **Gov. Mark Sanford** and approval by voters in November. On Wednesday the **Charleston Hotel/Motel Association** sent its 200 or so members a list of representatives who are against the bill or undecided on the matter.

A bill that would exempt big film productions from sales and use taxes and give 5 percent rebates on employment taxes passed the House April 14 and was reported out of the Senate Finance Committee Wednesday.

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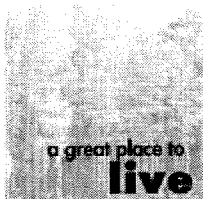
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But **Sen. Phil Leventis**, a Democrat from Sumter, put his name on the legislation and sent it to the "contested calendar."

The bill is on tomorrow's schedule, but it can't go anywhere unless Leventis is present. Leventis couldn't be reached for comment on why he put the brakes on the bill.

"We are still very optimistic," said **Ken French**, a founding member of the **Carolina Film Alliance**, an area trade group that hired a lobbyist to push the bill through the Statehouse.

SUMMER SIMMER

This summer will be a hot one for tourism, according to the **Travel Industry Association of America**.

The association is forecasting a 3.2 percent increase in leisure travel for the coming June, July and August compared with the year-earlier period. But there are conflicting figures on whether vacationers will be more spendthrift.

"For the first time in years, the summer travel season will start off with a bang, and we expect it to stay strong through August," said Dr. **Suzanne Cook**, senior vice president of research for TIAA.

Air travel is expected to increase 5 percent, a trend that Charleston -- armed with a new discount carrier -- is likely to see.

TIAA predicts travelers will spend 4.4 percent more on trips this summer, about \$1,100 for the average trip (7.6 nights).

The picture is not entirely rosy, however. Gas prices, for one, aren't expected to come down soon.

A smaller survey (1,000 people) by **Myvesta**, a Maryland nonprofit focused on finance, posted results that contradict TIAA findings.

Only 41 percent of the folks Myvesta surveyed said they would travel this summer, compared with 48.5 percent last year.

The organization said travel spending will drop by 5.3 per-cent.

REAL-TIME TOURISM

In an effort to incite collaboration in the tourism industry, the state **Department of Parks, Recreation and Tourism** has launched an Internet listserv for hospitality players.

Dubbed the "S.C. Tourism & Travel Cafe," the site will be a forum for those in the industry to bounce some ideas back and forth.

The idea was born at the governor's tourism conference in early February after the state's economic development consultants urged those in the tourism industry to collaborate more.

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PRT director **Chad Prosser** sent a batch of letters out recently urging those interested to sign up by e-mailing vwallen@scprt.com.

Kyle Stock covers tourism. He can be reached at 937-5763 or kstock@postandcourier.com.

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GOP Senate candidates stump for votes in Beaufort

BY GREG HAMBRICK, *Special to The Packet*
Published Monday, May 24th, 2004

LADY'S ISLAND -- One by one, the six Republican candidates vying to fill the seat of retiring Democratic Sen. Fritz Hollings climbed atop a 2-foot tall tree stump Sunday to pitch for votes.

The candidates, heading into the final two weeks of their primary campaign, made their stump speeches to about 300 people at the home of state Rep. Catherine Ceips of Beaufort.

Former Gov. David Beasley, former Attorney General Charlie Condon, Bluffton businesswoman Orly Benny Davis, U.S. Rep. Jim DeMint, Myrtle Beach Mayor Mark McBride and Charleston businessman Thomas Ravenel face each other in the June 8 Republican primary.

Beasley jumped on the stump to talk about jobs, schools and family values -- issues most of the candidates addressed during their five- to 10-minute speeches.

After the event, Beasley said Lowcountry voters have told him the increase in illegal immigrants is an important issue in the election.

"(Illegal immigrants) are stretching our limited resources," he said, noting that the president's planned amnesty program wasn't the solution.

McBride spoke forcefully on the issue during his stump speech, calling for increased monitoring along the border with Mexico.

"If we have to put up a wall to keep illegal immigrants out, so be it," he said.

As the federal deficit climbs, Condon said voters need to hold Congress accountable for its spending practices.

"Most Republicans recognize that we're off track," Condon said. "It's not a revenue problem. It's a spending problem."

South Carolina has to balance its budget, he said, and Washington should, too.

Davis said a priority in her campaign has been highlighting the need for faith in public schools.

"We need to get a value system into the education system," she said.

With employment needs a common campaign issue, Davis said she would work to improve infrastructure in South Carolina to make the state more accessible to business and job growth.

DeMint said job growth is becoming a reality, regardless of naysayers.

"These folks that are telling you the sky is falling aren't looking at the statistics," DeMint said.

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Ravenel, who notes in campaign literature that he's "not a politician or an attorney," said Reagan ideals can guide the state to fiscal prosperity. The government needs to "get out of the way of the people producing jobs."

Free trade agreements that help private businesses export goods will help bring needed jobs without shuttering worksites elsewhere, Ravenel said.

"It's about growing the pie, not trying to redistribute the pie," he said.

But McBride said some free trade deals may mean an export of American jobs.

"I'm an optimist, but you have to be a realist, too," he said.

The government will have to reassess a corporate tax structure, McBride said, a tax structure that is sending good-paying jobs overseas, leaving little more than restaurant and retail work.

"We can not have a national economy based on service jobs," he said.

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Anti-tax cheap shot

Posted Monday, May 24, 2004 - 1:29 am

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Communities**Entertainment****Classifieds****Coupons****Real estate****Jobs****Cars****Custom****Publications****Help***GOP legislator Bobby Harrell
has been attacked unfairly.*

State Rep. Bobby Harrell, the Charleston Republican who heads the House Ways and Means Committee, has been attacked by a national anti-tax group in a manner that can be described as vicious and curious. The Americans for Tax Reform is running ads across this state — except in the Charleston area, Harrell said — associating Harrell with pork-barrel spending because he successfully got money in the state budget to expand the football stadium at The Citadel in hopes of landing a college football bowl game.

Granted, the expenditure seems a bit odd in a budget year when state lawmakers had less state revenue than the state needs. But peel back this budget request, and it doesn't seem outrageous — especially not the type of state spending that should attract the attention of a national group.

The state has agreed to spend about \$5 million on the stadium, but not all at once. The money is allocated in annual chunks of \$380,000, and then only if the deal is finalized for the college bowl game. And based on some projections, a college bowl game could bring in between \$1 million and \$2 million in tax revenue.

Harrell has been the architect of some tax cuts included in this year's state budget. The budget brings the state income tax code into compliance with federal income tax laws. Between the marriage tax penalty and the estate tax, South Carolinians will save about \$52 million in state taxes.

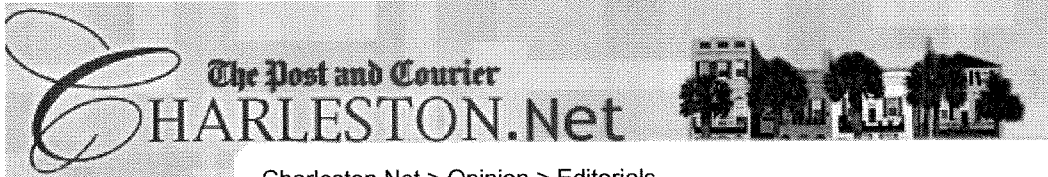
When Harrell proclaims that "something's just not right" about this advertising attack on him by a national group, he makes a persuasive argument.

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Story last updated at 7:00 a.m. Monday, May 24, 2004

Inexcusable grand jury bill delay

State senators who have complained about Gov. Mark Sanford using his bully pulpit to complain about their inaction may have another constitutional officer to contend with. Attorney General Henry McMaster is taking a Senate subcommittee to task for failing to approve a bill last week that would give the state grand jury the authority to investigate and prosecute environmental crimes.

Mr. McMaster states his case simply: "Currently, state prosecutors are virtually helpless to investigate and prosecute major environmental crimes using standard police techniques. By utilizing the state grand jury, prosecutors will be able to compel testimony and subpoena records, documents and evidence to investigate these complex white-collar crimes."

He noted that the grand jury has the power to compel testimony and to investigate crimes involving several jurisdictions. He has cited the difficulty that law enforcement has in investigating environmental crimes that include several jurisdictions, as they frequently do. Currently, environmental crimes often must be turned over to the U.S. attorney's office, which has to concentrate its resources on many other matters, including homeland security. Grand jury authority over environmental crimes has been supported by the last three attorneys general, one Democrat and two Republicans.

Mr. McMaster's arguments are persuasive, and the bill passed in the House of Representatives with strong bipartisan support.

Sen. Jakie Knotts, the main supporter in that body, is a former sheriff who cites the state's inability to pursue a pollution spill in his home county of Lexington as a reason for the expanded grand jury authority. The spill caused a fish kill, polluted a stream and shut down a water plant.

The state Chamber of Commerce asserts that the bill will chill



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economic development in South Carolina. Certainly, it could deter potential polluters from seeing South Carolina as willing to trade off environmental quality as a business incentive. South Carolina has had enough experience with industries that are willing to pollute the state's natural resources, then pack up and leave.



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The Legislature should be willing to let business prospects know that South Carolina expects good corporate citizenship. That message should bolster the climate for economic development, at least for industries that care about the quality of life where they locate.

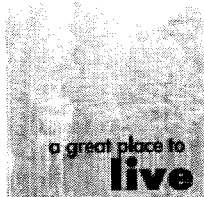
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The Senate should move quickly to adopt the bill before the session ends.

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South Carolina wildlife deserves conservation plan

State seeks public input as it establishes priorities

Published Monday, May 24th, 2004

It takes more than laws, biologists, educators and law enforcement officers to protect South Carolina's native wildlife. It takes a plan.

The S.C. Department of Natural Resources is in the process of making that plan, and it needs public input. Beaufort County individuals and organizations should have a voice in the first S.C. Comprehensive Wildlife Conservation Plan.

The plan is being written to meet a federal requirement, but such planning should be mandatory. It should result in a blueprint for coordinated public and private actions over the next decade in South Carolina.

The plan will help the state set priorities on what wildlife and wildlife habitat need attention. That is needed in a state with diverse landscapes from the mountains to the sea. And it is especially needed now as the state population soars and wildlife suffers as a result.

The plan should chronicle the location and relative condition of key habitats, according to the DNR. And it should identify the species that are in the most trouble. It is a massive undertaking in that it will cover plants and insects in addition to game and nongame animals.

Already, DNR has gathered public input in focus groups around the state. It has sought input from organizations and associations that have an interest in or impact on the state's wildlife.

Now it is in the process of taking public comment in hearings around the state. Four already have been held, with the closest in Charleston. Four more will be held in locations to be announced.

"Landowners, businesses, people in agriculture and/or forestry, builders and developers, local and state governments, conservation groups and others who care about wildlife in South Carolina have much to add to this process, and much to gain from it," DNR says.

It is important for both builders and conservationists to realize that the state's natural resources are good for business. Business and conservation cannot be mutually exclusive if South Carolina is to prosper.

By going through this planning process, the state can help the many conservation organizations pull together in a common plan of attack. It can give each citizen a voice. It can help landowners and local governments realize the stewardship that must be exercised now to keep future generations from seeing song birds only in books.

Little of significance has ever been accomplished without a solid plan. Wildlife conservation is of great significance and the planning process deserves applause and cooperation.

For more information, e-mail sccwcp@scdnr.state.sc.us.

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Posted on Mon, May. 24, 2004

THE SUN NEWS

Tattoos Not Quite Legal

S.C. bill places needless hurdle in tattooists' path

The tattoo legalization bill that emerged from the S.C. General Assembly overturns current law, which bans tattooing as a public-health menace and morally suspect activity. If signed into law, the bill would allow tattooing in South Carolina and impose strict but reasonable health procedures as a condition of licensing for tattooists. It empowers units of local government to regulate tattoo-establishment placement via zoning.

Unfortunately, the legislation also forces tattoo artists to clear one more hurdle. City, town or county councils must pass ordinances allowing tattooing before tattoo shops can open within their borders. In many jurisdictions, including the city of Myrtle Beach, this hurdle could prove insurmountable.

A clean bill legalizing the activity statewide would have been preferable. We'll see how tattoo artists do in getting local ordinances passed before deeming this bill to be the next best thing. It may turn out to be useless.

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Posted on Mon, May. 24, 2004

The State

Joe Neal a needed voice in House

FORMER REP. LEVOLA Taylor agrees with Rep. Joe Neal on important issues, from education funding and tax policy to the need for environmental and health improvements; and she doesn't offer a clear reason she's trying to unseat him, instead speaking in generalities about wanting to serve the community. To the extent that she expresses what motivates her campaign, it seems to be the idea that Mr. Neal is out of touch with his Lower Richland constituents in District 70, that he's too busy to tend to the needs back home.

We might share her concern if Mr. Neal were like too many legislators — showing up to vote and doing little else. But he's not. Mr. Neal is spending his time taking on important issues, from health disparities to environmental degradation, that too many legislators don't want to even think about, much less deal with. Mr. Neal knows he's going to lose most fights he wages, but he is one of those xpeople who believe someone must serve as the conscience of the Legislature, however the votes go.

In short, Mr. Neal knows he's not a county council member, whose job centers around constituents' specific, individual concerns about their interactions with government, and so he spends his time doing those things it is most important for a legislator to do.

Ms. Taylor is well informed about many important issues, but she offers few solutions. Mr. Neal, on the other hand, is overflowing with potential solutions. He's a good representative, who improves the quality of debate at the State House. He deserves another term.

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The State

Re-elect Quinn to advance tax reform

THE LEGISLATIVE LEADERSHIP has failed our state, by ignoring our worsening problems when addressing them would require difficult decisions. The dereliction has been so deep and consistent that we need to consider radical changes.

Against that backdrop, Nathan Ballentine offers an attractive alternative. Mr. Ballentine, who is challenging House Majority Leader Rick Quinn in the Irmo-based District 71, promises a new approach. He wants to base decisions on the merits of ideas, not which party supports them. He would start with education, which, as he notes, too many people think of as a Democratic issue. He's committed to listening to educators, better funding our schools and making sure children in poor districts have an equal shot at a decent education.

Except for one thing, endorsing Mr. Ballentine would be an easy choice. That one thing, however, is too significant to overlook.

Two of the biggest problems at the State House are the leadership's refusal to address complex problems in a comprehensive way, particularly the problems with school funding equity and our tax code, and its refusal to work across party lines. While rank-and-file legislators are to blame for allowing this to happen, it is the leadership — and especially the House leadership — that deserves the most blame, and therefore is in greatest need of changing. Unfortunately, the only member of that leadership team who faces opposition is Mr. Quinn, and he is the one member of the leadership team who is working to address both problems.

Mr. Quinn reached across party lines to form an alliance with Sen. Vincent Sheheen, and together they put together a tax reform bill that addresses many problems with our tax code while guaranteeing that where a child lives will not influence how much money is available to educate her. If not for Mr. Quinn's involvement, this proposal would not have generated the legislative and public attention it has. More significantly, we fear that if he is not in the House next year, the prospects for such reforms will be greatly reduced.

Mr. Quinn is clearly committed to reform, but he hasn't done enough to make it happen. He must work harder, pull in more supporters and work more aggressively to overcome, or else find a way around, resistance from other House leaders.

Because of Mr. Quinn's work on the Quinn-Sheheen plan, he deserves two more years in the House. If he doesn't make those two years count, it will be time for a change.

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